

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CONTENTGUARD HOLDINGS, INC.,

Plaintiff,

v.

AMAZON.COM, INC.; APPLE INC.;
BLACKBERRY LIMITED (FKA RESEARCH
IN MOTION LIMITED) AND BLACKBERRY
CORPORATION (FKA RESEARCH IN
MOTION CORPORATION); HTC
CORPORATION AND HTC AMERICA, INC.;
HUAWEI TECHNOLOGIES CO., LTD. AND
HUAWEI DEVICE USA, INC.; MOTOROLA
MOBILITY LLC; SAMSUNG ELECTRONICS
CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC,

Defendants,

and

DIRECTV, LLC

Intervener.

No. 2:13-cv-01112 (JRG)

JURY TRIAL DEMANDED

**AMAZON.COM, INC.'S NOTICE
IN SUPPORT OF MOTION TO SEVER**

In opposing Amazon's Motion to Sever (Dkt. No. 205), ContentGuard maintained that joinder of its various claims against the many defendants in this case is proper under the America Invents Act because (1) it alleged that the Amazon Kindle and Amazon MP3 apps were available on devices manufactured by all of the Defendants and (2) it alleged that all of the Defendants offer one or more apps or systems that comply with the UITS standard. (*See* Dkt. No. 216 at 1.)

On October 17, 2014, ContentGuard filed a Second Amended Complaint (“SAC”). (Dkt. No. 244.) In the SAC, ContentGuard withdrew its allegations that all Defendants offer the Amazon Kindle and MP3 apps and that all Defendants practice the UITS standard.¹ Indeed, the entire section of the former Amended Complaint (Dkt. No. 22) entitled “Defendants Common Acts of Infringement” (paragraphs 49-55) was deleted in the SAC.

Given that ContentGuard no longer makes any factual allegations to satisfy the elements for joinder in the America Invents Act, Amazon respectfully submits that the Court should grant Amazon’s Motion to Sever and the Motion to Change Venue to the Northern District of California. (Dkt. Nos. 205, 110.)

¹ For the Court’s convenience, a redline of the SAC showing the changes from ContentGuard’s prior Amended Complaint is attached as Exhibit A.

Respectfully submitted,

/s/ Jennifer H. Doan

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**COUNSEL FOR DEFENDANT
AMAZON.COM, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on October 24, 2014. *See* Local Rule CV-5(a)(3)(A).

/s/ Jennifer H. Doan

Jennifer H. Doan